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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,339

09/19/2006

Jacob Gil

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44596

7590

09/30/2009

DR. MARK M. FRIEDMAN

C/O BILL POLKINGHORN - DISCOVERY DISPATCH

9003 FLORIN WAY

UPPER MERLBORO, MD 20772

EXAMINER

HUSSAIN, FARRUKH

ART UNIT

PAPER NUMBER

2444

NOTIFICATION DATE

DELIVERY MODE

09/30/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mark\_f@friedpat.com

friedpat@yahoo.com

sharon\_l@friedpat.com

### Office Action Summary

**Application No.**

10/593,339

**Applicant(s)**

GIL, JACOB

**Examiner**

FARRUKH HUSSAIN

**Art Unit**

2444

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in regards to the response received on 06/25/2009.

Claims 1- 19 have been canceled. Claims 20-41 have been added. Claims 20-41 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 06/25/2009 have been fully considered but they are not persuasive.

4. With regards to the Rejection under 35 USC § 102 (e) has been maintained.

Point A. With regards to the Rejection under 35 USC § 102 (e), the applicant argues that Gelvin does not disclose a system having a net-work based information source operative to user-initiated queries formed from captured-data representing real-world entities as claimed in method claim 20 and system claim 31 shown above. Furthermore, the Abstract does not do not describe a network-enable data-capture device configured to retrieve information from a network-base information providers based on a user-initiated query formed from captured data also claimed in method claim 20 and system claim 31 quoted above.

As to Point A, the Examiner respectfully disagrees. Gelvin does disclose a system having a net-work based information source operative to user-initiated queries formed from captured-data representing real-world entities as claimed in method claim 20 and system claim 31 shown above (See column 1, lines 35-42, This invention relates to the field of intelligent networks that include connection to

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the physical world. In particular, the invention relates to providing distributed network and Internet access to sensors (captured-data), controls, and processors that are embedded in equipment, facilities, and the environment and See column 10, lines 35-42, Multiple users interact with the WINS NG network, monitor and control the network, and query (user-initiated) for events, locations, data, and configuration via the Internet). Furthermore, the Abstract does not describe a network-enable data-capture device configured to retrieve information from a network-base information providers based on a user-initiated query formed from captured data also claimed in method claim 20 and system claim 31 quoted above. However, the detailed description of the art does describe a network-enable data-capture device configured to retrieve information from a network-base information providers based on a user-initiated query formed from captured data also claimed in method claim 20 and system claim 31 quoted above (See column 36, lines 26-42, Embodiments of the DQLs for sensor programming and information retrieval include small footprint standard query language (SQL) database systems.).

5. Claim 31 contain similar limitations as the limitations of claim 20 thus rejected for reasons similar to those in rejecting claim 20. Claims 21-30 and 32-41 depend on claim 20 and claim 31 thus rejected for reasons similar to those in rejecting claim 20.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**6. Claims 20-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Gelvin et al. (Gelvin)(US 6,859,831 B1).**

7. With respect to the claim 20, Gelvin reference teaches A method for retrieving data from at least one network-based information provider based on data captured from real-world entities comprising:

a) capturing data representing real-world entities by way of a network enabled, data-capture device having a processor and a user interface, said data-capture device being configured to retrieve data from a network having at least one information provider operative to provide search results to user-initiated queries formed from captured data representing real-world entities (See column 1, lines 35-42, This invention relates to the field of intelligent networks that include connection to the physical world. In particular, the invention relates to providing distributed network and Internet access to sensors (captured-data), controls, and processors that are embedded in equipment, facilities, and the environment and See column 36, lines 26-42, Embodiments of the DQLs for sensor programming

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and information retrieval include small footprint standard query language (SQL) database systems and See column 3, lines 49-55, The typical network includes a number of sensor nodes 202, a master 204, and a user interface 206 and See column 17, lines 15-17, o. BOOL Node -Search: Initiates search of network for participating nodes that are in range of and have been acquired by the local gateway.),

b) retrieving information from said network-based information provider based on a user-initiated query formed from the captured data by said data-capture device (See column 36, lines 26-42, Embodiments of the DQLs for sensor programming and information retrieval include small footprint standard query language (SQL) database systems), and

c) presenting search results to the user-initiated query by way of said user interface (See column 3, lines 49-55, The typical network includes a number of sensor nodes 202, a master 204, and a user interface 206 and See column 17, lines 15-17, o. BOOL Node -Search: Initiates search of network for participating nodes that are in range of and have been acquired by the local gateway.).

8. With respect to the claim 21, Gelvin further teaches wherein said at least one network-based information provider is selected from the group consisting of a World-Wide- Web site, intranet site, extranet site, database, knowledge-base, search engine, dedicated server and service center (See column 6, lines 59-67, network resources such as database are available).

9. With respect to the claim 22, Gelvin further teaches wherein said real-world entities are selected from the group consisting of a view, sound, odor,

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taste, texture, electromagnetic radiation, vibration, motion, text and location data (See figure 40, IR Sensor, radiation)..

10. With respect to the claim 23, Gelvin further teaches wherein said data-capture device is selected from the group consisting of digital camera, non-digital camera, microphone, scanner, scent detector, taste sensor, texture sensor, geophone, electromagnetic radiation receiver, motion sensor, acceleration meter, wind meter, thermometer, humidity sensor, location-sensor and Global Positioning System Receiver (See figure 40, IR Sensor, radiation).

11. With respect to the claim 24, Gelvin further teaches wherein said data-capture device is configurable to fuse the captured data from a plurality of real-world entities into a single query (See column 32, lines 51-54, A Web client may then query the WINS NG server for images, data, image and data history, and data relationships acquired at any point on the earth).

12. With respect to the claim 25, Gelvin further teaches wherein said data-capture device is configurable to fuse data inputted by a user with the captured data by said data- capture-device to form a single query (See column 32, lines 51-54, A Web client may then query the WINS NG server for images, data, image and data history, and data relationships acquired at any point on the earth).

13. With respect to the claim 26, Gelvin further teaches wherein said data capture device is configurable to function as a search engine (See column 36, lines 50-54, The DQL further includes a signal search engine (SSE) for indexing and information labeling of unstructured sensor data sets.).

14. With respect to the claim 27, Gelvin further teaches wherein said search engine is implemented as an image-based search engine (See column 36, lines 50-54, The DQL further includes a signal search engine (SSE) for indexing and information labeling of unstructured sensor data sets.).

15. With respect to the claim 28, Gelvin further teaches wherein said search engine is implemented as a music-based search engine (See column 44, lines 35-38, Such nodes in various embodiments attach to boots and vehicle tires and treads, and detect proximity, touch, sound (music), and light).

16. With respect to the claim 29, Gelvin further teaches wherein said data-capture device is integrated into a device selected from the group consisting of a wireless phone, cellular phone, NetPhone, Personal Digital Assistant, portable computer, pager, personal computer and digital camera (See column 5, lines 65-67 and column 6, lines 1-5, a seismic sensor and energy detector circuit is used to trigger a digital camera under the control of a computer).

17. With respect to the claim 30, Gelvin further teaches wherein said user interface includes output devices selected from the group consisting of a visual output device, audio output device, a textural output device, a motion generator, electromagnetic transmitter, vibrator and scent generator (See column 5, lines 65-67 and column 6, lines 1-8, The image (a visual output device) and seismic record are conveyed by wireless means to another computer).

18. With respect to the claim 31, Gelvin further teaches A system for retrieving data from at least one network-based information provider based on data captured from real-world entities comprising:



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a) at least one network-based information provider operative to provide search results to user-initiated queries formed from captured data representing real-world entities (See column 1, lines 35-42, This invention relates to the field of intelligent networks that include connection to the physical world. In particular, the invention relates to providing distributed network and Internet access to sensors (captured-data), controls, and processors that are embedded in equipment, facilities, and the environment and See column 36, lines 26-42, Embodiments of the DQLs for sensor programming and information retrieval include small footprint standard query language (SQL) database systems and See column 17, lines 15-17, o. BOOL Node -Search: Initiates search of network for participating nodes that are in range of and have been acquired by the local gateway.), and

b) a network enabled, data-capture device having a user interface and a processor (See column 1, lines 35-42, This invention relates to the field of intelligent networks that include connection to the physical world. In particular, the invention relates to providing distributed network and Internet access to sensors (captured-data), controls, and processors that are embedded in equipment, facilities, and the environment and See column 3, lines 49-55, The typical network includes a number of sensor nodes 202, a master 204, and a user interface 206 and See column 17, lines 15-17, o. BOOL Node -Search: Initiates search of network for participating nodes that are in range of and have been acquired by the local gateway.), said data-capture device being configured:

i. to capture data representing real-world entities (See column 1, lines 35-42,

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This invention relates to the field of intelligent networks that include connection to the physical world. In particular, the invention relates to providing distributed network and Internet access to sensors (captured-data), controls, and processors that are embedded in equipment, facilities, and the environment),

ii. to retrieve information from said information provider based on a user-initiated query formed from the captured data (See column 36, lines 26-42, Embodiments of the DQLs for sensor programming and information retrieval include small footprint standard query language (SQL) database systems), and

iii. to present the information retrieved from said network- based information provider to a user (See column 3, lines 49-55, The typical network includes a number of sensor nodes 202, a master 204, and a user interface 206 and See column 17, lines 15-17, o. BOOL Node -Search: Initiates search of network for participating nodes that are in range of and have been acquired by the local gateway.).

19. With respect to the claim 32, Gelvin further teaches wherein said at least one network-based information provider is selected from the group consisting of a World-Wide- Web site, intranet site, extranet site, database, knowledge-base, search engine, dedicated server and service center (See column 6, lines 59-67, network resources such as database are available).

20. With respect to the claim 33, Gelvin further teaches wherein said real-world entity is selected from the group consisting of a view, sound, odor, taste, texture, electromagnetic radiation, vibrations, motion, text and location data (See figure 40, IR Sensor).

21. With respect to the claim 34, Gelvin further teaches wherein said data-capture device is selected from the group consisting of digital camera, non-digital camera, microphone, scanner, scent detector, taste sensor, texture sensor, geophone, electromagnetic radiation receiver, motion sensor, acceleration meter, wind meter, thermometer, humidity sensor, location-sensor and Global Positioning System Receiver (See figure 40, IR Sensor).

22. With respect to the claim 35, Gelvin further teaches wherein said user interface includes output devices selected from the group consisting of a visual output device, audio output device, a textural output device, a motion generator, electromagnetic transmitter and scent generator (See column 5, lines 65-67 and column 6, lines 1-8, The image (a visual output device) and seismic record are conveyed by wireless means to another computer).

23. With respect to the claim 36, Gelvin further teaches wherein said data-capture device is configurable to fuse data captured from a plurality of real-world entities into a single query (See column 32, lines 51-54, A Web client may then query the WINS NG server for images, data, image and data history, and data relationships acquired at any point on the earth).

24. With respect to the claim 37, Gelvin further teaches wherein said data-capture device is configurable to fuse data inputted by a user by way of said user interface with data captured by said data-capture-device to form a single query (See column 32, lines 51-54, A Web client may then query the WINS NG server for images, data, image and data history, and data relationships acquired at any point on the earth).

25. With respect to the claim 38, Gelvin further teaches wherein said data capture device is configurable to function as a search engine (See column 36, lines 50-54, The DQL further includes a signal search engine (SSE) for indexing and information labeling of unstructured sensor data sets.).

26. With respect to the claim 39, Gelvin further teaches wherein said search engine is implemented as an image based search engine (See column 36, lines 50-54, The DQL further includes a signal search engine (SSE) for indexing and information labeling of unstructured sensor data sets.).

27. With respect to the claim 40, Gelvin further teaches wherein said network-based information provider is implemented as a network-based dedicated server, wherein one of said network-based dedicated server and said data-capture device is configured to perform data processing on the captured data, said processing being selected from the group consisting of pattern matching, minimizing, resolution reduction and data-fusion (See column 2, lines 58-67, cooperative signal processing including beamforming and data fusion across nodes.).

28. With respect to the claim 41, Gelvin further teaches wherein said data-capture device is configurable to alert a relevant party in response to the information retrieved from said network-based information provider according to instructions inputted by a user (See column 33, lines 17-25, it is essential that prompt alerts be issued if any flaw is detected).

29. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

30. Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

31. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

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period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARRUKH HUSSAIN whose telephone number is (571)270-5652. The examiner can normally be reached on Monday-Thursday, Alt. Friday, 7:30 A.M-5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

33. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/F. H./

Examiner, Art Unit 2444

09/21/2009

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444